

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

**DIAMOND PLASTICS CORPORATION, As
the Named Fiduciary of Diamond Plastics
Corporation Employee Benefits Plan;**

Plaintiff,

vs.

JOHN CAUDILL,

Defendant.

8:23CV448

ORDER TO SHOW CAUSE

Federal Rule of Civil Procedure 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

Plaintiff filed the Complaint on October 12, 2023. (Filing No. 1). More than 90 days has elapsed since the Complaint was filed. To date, Plaintiff has not filed any return of service or signed waiver indicating service on the defendant, the defendant has not entered a voluntary appearance, and Plaintiff has not requested an extension of time to complete service. Accordingly,

IT IS ORDERED that Plaintiff shall have until **February 2, 2024**, to show cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or take other appropriate action. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 16th day of January, 2024.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge